

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**KURT FUQUA,**

Plaintiff,

v.

**SVOX AG, SVOX USA, INC., NUANCE  
COMMUNICATIONS, INC., VOLKER  
JANTZEN, EUGENE STERMETZ,  
MARTIN REBER, ERIC LEHMANN,  
THOMAS SOSEMAN,**

Defendants.

No. 11 CV 5376

Judge Ronald A. Guzman

Magistrate Judge Finnegan

**DEFENDANTS' MOTION FOR ENTRY OF A FINAL JUDGMENT PURSUANT TO  
THE MANDATE ISSUED BY THE UNITED STATES COURT OF APPEALS FOR THE  
SEVENTH CIRCUIT**

Defendants SVOX AG, SVOX USA, Inc. and Nuance Communications, Inc. ("Defendants"), by and through their undersigned attorneys, hereby move this Court for Entry of a Final Judgment Pursuant to the Mandate Issued by the United States Court of Appeals for the Seventh Circuit. In support of this Motion, Defendants state as follows:

On August 9, 2011, Plaintiff filed a Complaint alleging violation of the American Recovery and Reinvestment Act ("ARRA") as well as several state law causes of action. Dkt. No. 1. On November 12, 2011, Defendants filed a Motion to Dismiss Count I and Stay and Compel Arbitration of Counts II Through VI of Plaintiff's Complaint. Dkt. No. 14. On March 12, 2012, this Court issued an order dismissing the ARRA claim, Count I, with prejudice and declining to exercise supplemental jurisdiction over the state law claims in the remaining Counts. Dkt. No. 53.

Plaintiff appealed the dismissal of his ARRA claim to the United States Court of Appeals

for the Seventh Circuit, and the Seventh Circuit affirmed this Court's decision dismissing the ARRA claim. Dkt. Nos. 53, 65. In affirming this Court's dismissal of Plaintiff's Complaint, the Seventh Circuit also awarded costs to Defendants. Case No. 12-1870, Dkt. No. 42 (7th Cir. May 16, 2014). Defendants timely filed a Bill of Costs on May 30, 2014 for the amount of \$254.10. Case No. 12-1870, Dkt. No. 43 (7th Cir. May 30, 2014). Plaintiff did not object to this bill of costs.

On June 9, 2014, a Mandate was issued from the Seventh Circuit to the District Court, with a bill of costs in the amount of \$254.10. Dkt. Nos. 63, 64 (attached as Exhibits 1 and 2); *see also* Case No. 12-1870, Dkt. No. 45 (7th Cir. May 30, 2014). The Mandate and the Bill of Costs that were issued to this Court from the Seventh Circuit on June 9, 2014 included the taxation of costs against Plaintiff in the amount of \$254.10. The total amount is presently due and owing and may be assessed against Plaintiff.

WHEREFORE, Defendants respectfully request that the Court enter an Order of Final Judgment against Plaintiff, including the amount of \$254.10 taxed through the Bill of Costs.

Respectfully submitted,

/s/ John A. Ybarra  
John A. Ybarra

John A. Ybarra (#6196983)  
Amanda E. Inskeep (#6303577)  
LITTLER MENDELSON  
A Professional Corporation  
321 N. Clark St., Suite 1000  
Chicago, IL 60654  
312.372.5520

Dated: August 6, 2014

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on August 6, 2014, she caused a copy of *Defendants' Motion for Entry of a Final Judgment Pursuant to the Mandate Issued by the United States Court of Appeals for the Seventh Circuit* to be filed electronically with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF (*electronic case filing*) system, which sent notification of such filing to the following ECF participant, via e-mail:

Mr. John Moran  
Moran Law Group  
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/s/Amanda E. Inskeep

Amanda E. Inskeep

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